

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
July 18, 2006**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Conze, Bigelow, Spain, Forman, Kenny

STAFF ATTENDING: Ginsberg

COURT RECORDER: Bonnie Syat

The Commission meeting was called to order at 8:00 P.M. in Room 206 of the Town Hall. Mr. Damanti noted that this was a Special Meeting, and read the first agenda item:

Continuation of Public Hearing regarding Amendment to the Zoning Map/Change of Zone, Business Site Plan #246/Special Permit, Darien Library, Inc., 1441 Boston Post Road. Proposing to apply the Municipal Use (MU) floating zone and construct a new Darien Library with associated parking and landscaping on the properties formerly occupied by Splash Car Wash and Century Gas Station and perform related site development activities. The subject properties are on the northwest side of Boston Post Road, at the north corner formed by its intersection with Hecker Avenue, and is shown on Assessor's Map #39 as Lots #13 and #14, now in the SB and DOR-1 Zones.

Attorney Bruce Hill said that in response to the June 8, 2006 memo from Jeremy Ginsberg and David Keating, and the two memos from Bob Steeger, they are submitting a revised site plan. They have asked Stearns & Wheler LLC to review the storm water treatment system, and certain elements were incorporated into this revised site plan.

Mr. Todd Ritchie of Stearns & Wheler said that he had reviewed the two-page July 7, 2006 memorandum from Mr. Steeger, and spoke with Assistant Public Works Director, Darren Oustafine. Mr. Ritchie explained that he wanted to accomplish biofiltration on the surface of the property, and he then explained what biofiltration is. He said that the proposed system helps to treat more of the storm water runoff, and also has an aesthetic value. Everything will be contained on-site, and filtered into the ground. Above-ground sediment basins are easier to monitor. Catch basins are proposed for the parking lot medians. There will still be some underground storage for drainage purposes. Mr. Hill explained that the new planting strips need to be eight feet wide.

Mr. Ronan Wilk, who worked on the plan, said that the parking lot has gone from 140 to 132 parking spaces. There are two proposed plans before the Commission this evening, one with 140 spaces and one with 132. Mr. Damanti asked whether these proposed site plan changes have addressed EPC's comments. Mr. Ritchie responded that it did, especially comment #4. Mr. Hill agreed, noting that the drainage system needs maintenance. One side of the planting strip will catch sediment and grit. This avoids the need to open the catch basins. Mr. Ritchie said that this is a natural way of creating hydrodynamic separators. Eighty percent removal is a goal of both State and Federal requirements. Most runoff from the paved surfaces will be going underground. These

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are easier to maintain than underground structures. This will ease the maintenance on the underground structures to maybe once a year.

Mr. Hill said that the consequence of this storm water treatment is the loss of eight parking spaces, if the Commission finds that the storm water treatment is preferable to the parking spaces. Mr. Hill explained that they have reached out to the Nielsen's (owner of the adjacent Thorndal Circle office park) for a license for overflow parking on nights and weekends. This extra parking and proper calendar management/scheduling will allow the library to account for parking. Mr. Damanti asked about the maximum number of vehicles now parked at the library.

Mr. Bigelow asked about any problems with the proposed drainage system regarding pedestrians. Mr. Ritchie responded that at most times, the area will be dry. Some basins may take longer to drain, and sometimes a wooden fence is placed around the depression. The swale may not even be noticeable, but it will still be functional. Mr. Bigelow said that basic signage, proper covers for inlets, and fences and landscaping, may help avoid any safety issues.

Mr. Hill again referenced the license recently received from the Nielsen's for parking. He then introduced Mike Wilson of Barkan and Mess. Mr. Wilson responded to Mr. Damanti's question regarding how full the current library parking lot is. He explained that the present library lot has 84 parking spaces, with four of those handicap parking spaces. They have observed it to be full more than once. He said that a library of this size has a demand of 133 parking spaces during the Library peak time. Under this proposal, overflow on nights and weekends will be available. Mr. Spain asked when the parking lot is full now. Mr. Wilson said that the peak was from 4-5 P.M., both on weekdays and on Saturdays. Mr. Spain said that based upon his experience, both holidays and the day after Thanksgiving are also high usage periods at the library. Mr. Kenny asked if all of the parking spaces are full on a weekday, what other options are available. Mr. Hill responded that Boston Post Road and Hecker Avenue are not available for on-street parking. He said that it may be legal now to park on the east side of Hecker Avenue. He said that he cannot represent other parking in that scenario. They do not believe that the increase in the size of the building will result in the doubling of usage. The library is just enhancing existing programs. Mr. Damanti said that the basement of the building has room for growth, and it appears that the library will be "maxed out" regarding parking, the moment they open. Mr. Hill agreed. Mr. Damanti noted that if the library wanted to grow, they could not. Now, library patrons have the ability to walk from other downtown locations. Where could one park off-site here? Mr. Hill said that it depends on the definition of "growth". Mr. Damanti said that library activities have grown over time. Mr. Hill said that there have been changes in the way libraries function. There will be growth over the internet, and the library will act as a conduit.

Mr. Damanti asked about the increased hours of operation. Mr. Hill said that they do not plan any growth in programs. He added that any change in programs requires a return to the Planning and Zoning Commission as an amendment of the Special Permit.

Mr. Bigelow asked how one would walk from the Nielsen property (Thorndal Circle office park) to the library. Mr. Hill said that the intent is to have walkways through to the office park from the library. Mr. Spain suggested that such walkways be installed near the northeast corner of the property.

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Architect Peter Gisolfi then distributed a handout regarding the Existing and Proposed Area/Collection Parking Comparison as of July 18, 2006, and reviewed the numbers with the Commission. He said that under this proposal, library staff will expand overall by three, but by one at any particular moment.

Mr. Bigelow asked about possibly having library staff park off-site. Mr. Hill said that they do not want to infringe on the Thorndal Circle office park during the day. If it became necessary, they could look for off-site parking elsewhere. A book delivery system to be implemented by the library may reduce the number of customer visits. Mr. Damanti countered that with the comfort of the new library, patrons may linger longer. Mr. Hill said that a café is an amenity for the patrons. Ms. Forman asked about the philosophy behind the café. Ms. Berry said that cafes have become a standard feature in libraries, and vending machines have been installed in the current library in the past. There is now a lot of in and out traffic. She believed that the café is a social element and an amenity.

Mr. Conze said that the parking appears to be sufficient, but it must be managed closely, especially the special events. There is no "spillover" area, like there is now in its location on Leroy Avenue. Ms. Berry responded that quick library trips may be faster.

Mr. Hill then distributed a four-page memorandum on Darien Library Facilities and Programs. They will no longer have a main reading room, and the Community Room will be the largest. Ms. Forman asked if they will have all major programs held in the off-hours because of the parking situation. Mr. Hill responded that they will have most, but not all, of the major programs held in the off-hours. Ms. Berry confirmed that big programs are now held in the evenings and on weekends.

Mr. Kenny asked about the formula used to calculate the number of handicapped-accessible parking spaces that are required. Mr. Gisolfi responded that there are five spaces based upon Code. Mr. Wilk confirmed that it is based upon a table. Mr. Kenny asked whether this property is feasible to have two levels of parking. Mr. Hill said that they did not look at that issue. Mr. Hill then distributed a Food Facility Description regarding the café.

Mr. Gisolfi said that the elevations of the library have not changed. There is groundwater eight feet down. The plans have been revised so that the building is now higher than the adjacent parking lot. The building height is 39'9". Existing trees may be able to be preserved with the proposed extra green space near the Hecker Avenue bio-retention area.

There being no further questions or comments, Mr. Conze made a motion to close the public hearing on this matter. That motion was seconded by Mr. Kenny and unanimously approved. At about 9:05 P.M., Mr. Damanti then read the next agenda item:

Continuation of Public Hearing regarding Land Filling & Regrading Application #162, Michael & Cynthia Grant, 8 Circle Road. Proposing to place fill and regrade and lower an existing retaining wall and perform related site development activities. The subject property is on the east side of Circle Road, approximately 650 feet south of its intersection with Old King's Highway North, and is shown on Assessor's Map #33 as Lot #47 in the R-1 Zone. *PUBLIC HEARING OPENED ON JUNE 27, 2006.*

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Attorney Robert F. Maslan Jr., of Maslan Brown & Associates, was present on behalf of the Grants. He said that the house is now being renovated extensively, and fill was brought in. At issue is the lowest corner of the property. In total, there may be more than 90 cubic yards in question. With Mr. Keating's permission, some fill was removed, and the height of the wall reduced. The wall is within 15 feet of the property line. The ultimate objective is to have a four foot high wall and then maintain the lawn at elevation 90. He then distributed a revised plan dated 7-17-06.

Professional Engineer Steven Trinkaus said that the original topography was a "bowl" directed to the south. Runoff from the adjacent Mason property was towards the bowl. The owners, the Grants, wanted to have a level yard. There is no change in the amount of water, and with the benefit of a flatter area, there will be more of a chance of percolation. All water will be directed to the south, where a group of pines now exist. Mr. Spain asked whether there were any walls before. Mr. Trinkaus said that there was a low stone wall along the property line. Mr. Ginsberg referred to the photographs taken by Mr. Keating.

Mr. Maslan noted that a variance had been granted for the garage, which allowed them to connect it to the main residence. The builder removed too much of the garage, and ZBA denied the subsequent variance request. The rest of the project conforms with the Zoning Regulations. The garage was then reoriented. Mr. Bigelow noted that there is more impervious surface near the neighbors. Mr. Maslan agreed. He said that there are two general areas of complaints: 1) filling in the corner of the property; and 2) the area near the garage.

Mr. Spain asked if there is more runoff. Mr. Trinkaus replied that they would need an old topographic survey of the property to determine that. Mr. Spain asked whether there was a plan to avoid running water to the neighbors, and whether a drain could be installed. Mr. Trinkaus responded that fieldstone may be possible, and a catch basin may create more of a problem. Mr. Spain asked about the potential of building galleries. Mr. Trinkaus said that these are disturbed soils, and there would be very little permeability. Mr. Spain asked whether there are storm sewers in this area. Mr. Trinkaus responded that there were not.

Mr. Kenny said that runoff is not in good shape, and asked what has to be done to minimize runoff both during and post-construction. Mr. Maslan responded that there was a problem before this work. Mr. Mason's water flows downhill, as does this property, onto the Albutt property. Mr. Kenny noted that no engineering study was done to try to understand the potential impacts of the project. Mr. Bigelow agreed, and said that the Commission usually hears about engineering as part of these types of proposals. Mr. Trinkaus then referred to Map #4245 in the Darien Land Records, and noted that stone pavers could be used for this project.

Mr. Conze said that it appears there is a major problem with no solution. Any solution should be submitted in writing. Mr. Spain said that he wants to see profile drawings. Mr. Damanti suggested continuing the public hearing until September 12th. Mr. Trinkaus said that he cannot testify to the garage area, only the corner area. Mr. Maslan confirmed that a continuation to September 12 is satisfactory.

Mr. Conze then made a motion to continue the public hearing on this matter to September 12, 2006 at 8 P.M. in room 206 of Town Hall. That motion was seconded by Mr. Kenny and unanimously approved.

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At about 9:40 P.M., Mr. Damanti read the next agenda item:

Amendment of Special Permit Application #49-C, St. Paul's Episcopal Church, 489 Mansfield Avenue. Proposing to construct additions and alterations to the existing sexton's residence on the north end of the property and perform related site development activities. The subject property is located on the west side of Mansfield Avenue, approximately 1,500 feet north of its intersection with Half Mile Road, and is shown on Assessor's Map #2 as Lot #35 in the R-2 Zone.

Mr. Dan Morgan said that the existing residence was built in the late 1880s. The subject proposal is to create living space and add a deck around the side of the house. The house pre-dates the Zoning Regulations. Mr. Morgan said that he is also applying for a variance for the deck.

As part of this application, there will be no change in the church uses. No church meetings will be held here, and this is not an expansion of existing church activities. It will continue to serve as a residence only. Ms. Spain said that this is consistent with the existing Special Permit for the Church.

There being no further questions or comments, Mr. Conze made a motion to close the public hearing on this matter. That motion was seconded by Ms. Forman and unanimously approved. At about 9:45 P.M., Mr. Damanti then read the next agenda item:

Land Filling & Regrading Application #165, Daniel & Tresa Toscano, 24 Horseshoe Road. Proposing to remove material between the old retaining wall and a newly proposed retaining wall, and perform related site development activities. The subject property is on the north side of Horseshoe Road, at the northwest corner formed by its intersection with Tinywood Road, and is shown on Assessor's Map #3 as Lot #2, in the R-2 Zone.

Attorney Robert F. Maslan Jr., of Maslan Brown & Associates, was present on behalf of the applicant. He said that there is a retaining wall two feet high, and the plan was to rebuild it. Mr. Spain asked whether any fill was removed. Mr. Maslan said that there was fill removed. Mr. Spain noted that local professionals should know about the local Zoning Regulations which restrict filling and regrading. Mr. Maslan said that this is a cutting project, not a filling project. Mr. Damanti asked how much fill was removed.

Mr. Maslan referred to a survey prepared by RKW surveyors. He noted that the subject property is located between Dorr and Tinywood Roads. The grade on the west side of the wall was leveled off.

Mr. Dan Mazabras, the President of the Odd Job Company, said that on the slope, about 120 cubic yards of material was removed and was going to be brought back onto the site. The net amount removed is about 40 cubic yards, as they will be bringing 80 cubic yards back onto the property. Some trees which were in declining condition were removed. There will be no change to the vegetation to the east. Mr. Maslan confirmed that all work is well within the property lines, and there will be no effect on Tinywood Road. Mr. Mazabras said that the jungle gym was moved temporarily upslope, and the railroad ties have been removed. There are about two days of machine work left, and some sodding by hand. Mr. Damanti asked if the land will be higher at the

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completion of this project. Mr. Maslan responded that the land will be lower. Mr. Mazabras will be retaining water on-site, towards the front yard, which is no change from the existing condition.

Mr. Maslan said that there is over 100 feet from the proposed activity to the nearest wetland, and EPC has no jurisdiction in this matter. Mr. Spain asked whether Mr. Maslan has read the letter submitted by Ms. Williamson of Tinywood Road.

Ms. Laurie Williamson of 2 Tinywood Road said that she has concerns about this project. She said that the narrative characterizes this as moving a retaining wall, and an extensive area on the property has been excavated. She believed that 3-3 ½ feet has been excavated, rather than the 2 to 2 1/2 feet suggested by the applicant. She said that there is an existing terrace behind the house, and she thought that they would be extending a third terrace. There was an area excavated to be flat, and this creates unnecessary hazards. She referred to an effect of removing absorbency, and requested specifics on the terrace versus sodding. She then said that there needs to be an accurate study of runoff consequences, and referred to a July 8 article in the New Canaan Advertiser.

Mr. Conze noted that no engineers report was submitted with this application. Ms. Williamson concluded by noting that the 3 ½ foot drop is a hazard, and it occurs too close to Tinywood Road. She suggested that any setbacks be measured from the road, and asked whether an earthen slope can be considered rather than a retaining wall.

Mr. Maslan responded that if the Commission wants additional information regarding this application, he can provide it. Mr. Mazabras said that the land in the back yard is more than one foot higher than the patio. He said that he has taken six truckloads off-site thus far, and each truck holds 18-22 cubic yards. Thus, he estimates that 120+/- cubic yards of fill have been removed. Mr. Maslan noted that much of this material is coming back on-site. He added that the Williamson property at 2 Tinywood is uphill from this activity in the Toscano back yard. Mr. Mazabras said that they are tying into the existing retaining wall.

Mr. Damanti said that no topographic information has been submitted as part of this application, and there has been no expert present tonight to discuss runoff issues. Mr. Spain said that it would be helpful to know how much of the wall exists, and how much has been added. Mr. Damanti said that it is important to know how much soil was removed; submit some topographic information; and have a professional engineer review the situation. Mr. Maslan said that in its present condition, there is an unsupported bank which is subject to erosion. Mr. Damanti said that Mr. Maslan should work with staff on remedying this situation, and if work is required to avoid erosion, only that work may be attended to.

There being no other questions or comments, Mr. Conze made a motion to continue the public hearing on this matter to September 12, 2006 in room 206 of Town Hall at 8:00 P.M. That motion was seconded by Ms. Forman and unanimously approved.

GENERAL MEETING (time permitting)

At about 10:20 P.M., Mr. Damanti read the first General Meeting agenda item:

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Discussion, deliberation and possible decision on the following item:

Coastal Site Plan Review #143-A, Flood Damage Prevention Application #144-A, Thomas & Suzanne Denunzio, 129 Nearwater Lane. Proposing to construct a pier, ramp and float, remove existing stone walls, stabilize the embankment, and perform related site development activities within regulated areas. The subject property is on the west side of Nearwater Lane, directly across from its intersection with Juniper Road, and is shown on Assessor's Map #56 as Lot #27, in the R-1 Zone.

Mr. Damanti said that Commission members had received a draft resolution in their packets. Mr. Bigelow made a motion to waive the reading of that draft resolution aloud. That motion was seconded by Ms. Forman and unanimously approved.

Mr. Spain noted that both the Darien EPC and the State of Connecticut DEP have reviewed and approved this project. Ms. Forman made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Spain and approved by a vote of 4-0. Mr. Bigelow and Mr. Conze abstained, as they were not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 18, 2006**

Application Number: Coastal Site Plan Review #143-A
Flood Damage Prevention Application #144-A

Assessor's Map #56 Lot #27
Street Address: 129 Nearwater Lane.

Name and Address of Property Owner: Thomas & Suzanne Denunzio
129 Nearwater Lane
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: John C. Roberge, PE
Roberge Associates Coastal Engineers
Foot of Broad Street, Suite 105
Stratford, CT 06615

Activity Being Applied For: Proposing to construct a pier, ramp and float, remove existing stone walls, stabilize the embankment, and perform related site development activities within regulated areas.

Property Location: The subject property is on the west side of Nearwater Lane, directly across from its intersection with Juniper Road.

Zone: R-1

Date of Public Hearing: June 13, 2006 continued to July 11, 2006

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Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: June 1 & 8, 2006

Newspaper: Darien News-Review

Date of Action: July 18, 2006

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
July 27, 2006

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application proposes to construct a private boat dock consisting of a 4' x 10' timber pier, 3' x 20' aluminum access ramp, and a 10' x 10' wooden float, and improve the Holly Pond shoreline and to perform related site development activities within regulated areas.
2. Approval for this project was granted by the State of Connecticut Department of Environmental Protection (DEP). The Darien Environmental Protection Commission (EPC) granted approval on July 5, 2006 as part of EPC #22-2006. Those approvals are hereby incorporated by reference.
3. In accordance with the submitted information, the proposed activities will have no adverse impacts on flooding on adjacent properties.
4. The Commission finds that the proposed additions and alterations to the existing residence, if properly implemented, are not contrary to the goals, objectives and policies of the Coastal Area Management Program.
5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed. The Commission finds that the proposed

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development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.

6. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
7. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures that would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #143-A and Flood Damage Prevention Application #144-A are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with permits and approvals granted by the Connecticut DEP and the Darien Environmental Protection Commission and the plans entitled:
 - Proposed Plan, Thomas Denunzio, by Roberge Associates Coastal Engineers, dated 4/28/06, Sheet No. CAM-01.
 - Proposed Plan Sections, Thomas Denunzio, by Roberge Associates Coastal Engineers, dated 3-15-04, Sheet No. CAM-02.
 - "Proposed Residential Pier Ramp & Floating Dock, Holly Pond – Long Island Sound" Sheets 1-6 dated 8/17/04 and Sheets 3A and 4A dated 4/12/05 by Roberge Associates Coastal Engineers.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- E. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, submission of written certification from the design professional that the work has been completed in conformance with the permit, and implementation of the approved plan within one year of this action (July 17, 2007). This may be extended as per Sections 815 and 829f.

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All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mr. Damanti then read the next agenda item:

Discussion and deliberation only on the following two items:

Special Permit Application #242, Mary Kay Kosnik, 50 Horseshoe Road. Proposing to construct a tennis court and perform related site development activities. *PUBLIC HEARING CLOSED ON JUNE 27, 2006*

Mr. Ginsberg noted the decision deadline for this application. Mr. Spain mentioned that Mr. Conze was not present at the last deliberations. Mr. Spain added that he was the most vocal against the project. He said that if the swimming pool had stayed behind the house, there would be alternate locations for the proposed tennis court. Right now, the only location for it is up against the north property line setback. Mr. Conze noted that the immediately adjacent neighbors did support the project. Mr. Spain agreed, but believed that this is an over intensification of a relatively small lot. He believed that it is somewhat surprising that the tennis court application came afterwards. If the application was submitted all together, this would have been preferable for the Commission. Mr. Damanti noted that the pool did not need any variances in its present location, and was allowed as-of-right. He added that the property may be intensely developed, but the overall development of the property meets all local Zoning Regulations relative to both building coverage and setbacks.

Mr. Conze said that the planning is judgmental, and that the tennis court meets the setbacks. He added that the property owner has made a good-faith effort to meet with the adjacent neighbors. Mr. Damanti said that in hindsight, a piecemeal development of this property was not optimal, and that the screening issue is a concern. He confirmed that the tennis court will not have lights. He said that the court does not encroach on the setbacks, and that this owner has sufficient property to install the court and the other improvements.

Ms. Forman said that she was conflicted on this matter last meeting. She said that Mr. Spain made some good points. Do the property owners' rights trump the "character of the neighborhood"? The adjacent neighbors had no problem with the court. She was also concerned that it appeared that some of the work had started without the required permits.

Mr. Kenny said that he is struggling with this application. He said that this parcel is not like others in the neighborhood, and he considers this extreme development. He has concerns, and believes that this tennis court changes the character of the neighborhood. Ms. Forman mentioned that there are many neighborhoods now in Darien which are in the process of changing due to development. Mr. Damanti agreed, noting that the character of new houses is becoming more intense. This is an evolving process, with more pools and tennis courts being constructed throughout the community. Mr. Kenny said that in his opinion, this project, because of its specific layout, looks like a community center, not a residence.

Mr. Bigelow said that he did not like the clear cutting which occurred and the fact that work started prior to permits. He said that if this application had come forward with no neighbor concerns, the

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Commission would have likely approved it. He noted that the neighbors had issues with the trees. He is inclined to approve the application, but has concern about the character of the neighborhood, and the intense development of the property. He said that it was important to him that the most affected adjacent neighbors are in support of the project. Mr. Damanti summarized, by noting that this is a difficult decision, and a close call. He asked that staff draft a resolution for the Commission's consideration in August or September.

Mr. Damanti then read the next agenda item:

Land Filling & Regrading Application #164, DaCunha Builders, LLC, 48 Hillside Avenue. Proposing to remove earth from back yard, flatten and create more yard space; add fill in the south side yard; install drainage; and perform related site development activities.

Mr. Damanti noted that the drainage for this project had not yet been installed. Mr. Spain said that the developer was willing to install drainage, and he said that he would make it work. Mr. Ginsberg was instructed to draft a resolution to include a requirement to install drainage.

Mr. Damanti then read the next agenda item:

Amendment of Special Permit Application #49-C, St. Paul's Episcopal Church, 489 Mansfield Avenue. Proposing to construct additions and alterations to the existing sexton's residence on the north end of the property and perform related site development activities.

Commission members had no substantial concerns with this project. Mr. Ginsberg was instructed to draft a resolution for Commission consideration at an upcoming meeting.

Approval of Minutes

Ms. Forman made a motion to approve the June 6, 2006 Public Hearing/General Meeting minutes with one minor amendment. That motion was seconded by Mr. Kenny, and unanimously approved.

There being no further business, the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning and Zoning Director